

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

<b>UNITED STATES OF AMERICA</b>	*	
	*	
<b>v.</b>	*	<b>CRIMINAL NO. 12-00068-CG</b>
	*	
<b>CLIFTON FIDELE HEARD</b>	*	
	*	
<b>Defendant.</b>	*	

**PRELIMINARY ORDER OF FORFEITURE**

WHEREAS, in the Indictment in the above-entitled case the United States sought forfeiture of property which represented drug proceeds and/or property used to facilitate drug transactions of defendant **CLIFTON FIDELE HEARD**, pursuant to Title 21, United States Code, Section 846;

AND WHEREAS, based upon the Indictment, the guilty plea entered on May 21, 2012, and the Plea Agreement entered into between the United States and defendant **CLIFTON FIDELE HEARD**, and for the reasons stated, it is hereby;

**ORDERED, ADJUDGED and DECREED**, that pursuant to Title 21, United States Code, Sections 853, and Federal Rule of Criminal Procedure 32.2(b), the interest of the Defendant, **CLIFTON FIDELE HEARD**, in the property identified as follows is hereby condemned and forfeited to the United States for disposition according to law:

- (1) One Lexus GS400, Ala. Registration # 5A99S19,  
VIN # JT8BH68X6Y0026828;**
- (2) One 2001 Chevrolet Tahoe, Ala. Registration # BA32977,  
VIN # 1GNEC13T71J309332;**

- (3) **One 2003 BMW 745LI, Ala. Registration # BA74908, VIN# WBAGN63453DR16717;**
- (4) **\$2,253.00 in United States currency, seized from 801 East Franklin Avenue, Foley, Alabama; and**
- (5) **All that lot or parcel of land, together with its buildings, appurtenances, improvements, fixtures, attachments and easements, located at 801 East Franklin Avenue, Foley, Alabama, more particularly described as:**

**“a single story house, which is painted off-white/cream with burgundy trim. There is a set of burgundy steps leading to the front entrance with a glass door on the outside of the residence. There is a black mailbox in front of the residence marked “801”.**

AND WHEREAS, by virtue of said guilty plea and said Plea Agreement, the United States is now entitled, pending possible appeal herein, to reduce the said property to its possession and notify any and all potential third parties who have or may have an interest in the forfeited property, pursuant to Title 21, United States Code, Section 853 and Rule 32.2(b) of the Federal Rules of Criminal Procedure.

NOW THEREFORE, IT IS HEREBY **ORDERED, ADJUDGED and DECREED:**

That based on the Plea Agreement, the factual resume, the guilty plea, and Fed.R.Crim.P 32.2(b)(3), and pursuant to the defendant’s consent, all right, title and interest of defendant **CLIFTON FIDELE HEARD** in the above-described property is hereby forfeited to and vested in the United States of America for disposition in accordance with law, subject to the provisions of Title 21, United States Code, Section 853(n); and

That the aforementioned property is authorized to be held by the United States Marshals Service in their secure custody and control.

Pursuant to 21 U.S.C. Section 853(n)(1) and the Attorney General's authority to determine the manner of publication of an Order of Forfeiture in a criminal case, the United States shall publish notice of this order on an official government internet site ([www.forfeiture.gov](http://www.forfeiture.gov)) for at least 30 consecutive days.

This notice shall state that the petition shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the property, shall be signed by the petitioner under penalty of perjury, and shall set forth the nature and extent of the petitioner's right, title or interest in the forfeited property and any additional facts supporting the petitioner's claim and the relief sought.

The United States must also provide direct written notice to any person known to have alleged an interest in the property that is the subject of the Order of Forfeiture, as a substitute for published notice as to those persons so notified.

After the disposition of any motion filed under Fed. R. Crim. P. 32.2(c)(1)(A) and before a hearing on the petition, discovery may be conducted in accordance with the Federal Rules of Civil Procedure upon showing that such discovery is necessary or desirable to resolve factual issues.

The United States shall have clear title to the property following the Court's disposition of all third-party interests, or, if none, following the expiration of the period provided in Title 21, United States Code, Section 853(n)(2) for the filing of third-party petitions.

Pursuant to Fed. R. Crim. P. 32.2(b)(3), and the Plea Agreement signed by the parties, this Preliminary Order of Forfeiture shall become final as to the defendant at the time of execution and shall be made part of the sentence included in the judgment. If no third party files a timely claim, this Order shall become the Final Order of Forfeiture, as provided by Fed. R. Crim. P. 32.2(c)(2).

The Court shall retain jurisdiction to enforce this Order, and to amend it as necessary, pursuant to Fed. R. Crim. P. 32.2(e).

The Clerk of the Court shall forward four (4) certified copies of this Order to Assistant U.S. Attorney Daryl A. Atchison, U.S. Attorney's Office, Southern District of Alabama.

**DONE and ORDERED** this 6th day of November, 2012.

/s/ Callie V. S. Granade  
UNITED STATES DISTRICT JUDGE